

Department of Pesticide Regulations  
Agricultural Pest Control Advisory Committee  
Meeting Minutes

Date: Wednesday, October 15, 2003  
Time: 9:30 a.m. – 1:30pm  
Location: Cal EPA Building  
1001 I Street  
Training Room, East and West  
Sacramento, CA 95812

Members Present: (9) Tim Butler – Registrants, David De Silva – Board of Governors of the Community Colleges, Scott Hudson- County Agricultural Commissioner Association, George Kaiser – Maintenance Gardener Pest Control Business, Jean La Duc- General Public, Linda LaVanne- Agricultural Pest Control Advisers, Thomas Lo Coco- Commercial Applicator Certificate Holders, Patrick O'Connor Marer- University of California, and Richard Stoltz- Pest Control Aircraft Pilots

Department Staff: (7) David Duncan- Chair of Committee (ch), Adolfo Gallo, Tobi Jones, Belinda Messenger, Sandy Ratliff, Cynthia Ray and Mac Takeda

Guests: (7) Steve Becker-CPHA, Diane Clarke-UC Davis, Dr. Mary Louise Flint- UC Davis, Terry Gage- California Ag Aircraft Association, Kevin Keefer-CPHA, Scott Kohne-Beyer Company and Judy Letterman- PAPA

Members Absent: (5) Ronald Cisney –Agricultural Pest Control Businesses, Michael Costello-California State University System, Jack Kerns- Pest Control Maintenance Gardeners, Mike Kennedy- Pesticide Dealers, and Rayne Thompson- Producers

## AGENDA

### **INTRODUCTION OF MEMBERS AND OTHERS IN ATTENDANCE:**

David Duncan (ch) opened the meeting by welcoming everyone and asked attendees to introduce themselves.

### **REVIEW AND APPROVAL OF July 9, 2003 MINUTES**

Thomas LoCoco is shown as a member present, but should be listed as absent. Minutes were approved as corrected.

### **LICENSING AND RENEWAL UPDATE**

Mac Takeda provided copies of the Individual and Business renewal packets that were going to be mailed to the licensees this year and gave a status report. The committee discussed the following areas of concern.

- The renewals have not been mailed out yet because new fee regulations were not approved. Last year it was sent out at the end of August. Are we following the same time frames for processing the renewals this year? Mac indicated that we were pretty much staying with the same dates as last year. Dave did comment that we were going to be flexible depending on the situation and if needed staff would be working overtime.
- Scott Hudson asked the department to notify the county agricultural commissioners if Department is behind in the processing of renewals and issuance of licenses/certificates. Dave said that the notification would be done through Dan Merkely, Commissioner Liaison.
- The processing of mail and payments. Dave stated that we are using the same system as last year and using the same troubleshooter.
- What is happening with returned license and certificate renewal mail? Staff will mail out renewal documents if the post office or license/certificate holder gives a change of address, otherwise it would be entered as a bad address in the database.
- When are the renewal applications going to be on the web site? Dave stated that we wanted the license and certificate holders to receive their renewal packet before we will put them on the web site.

Cynthia reminded everyone that the database is updated nightly and therefore reflects the computer inputs the day before. The batch process in embossing licenses and certificates, which we implemented last year, has facilitated the issuance of the licenses and certificates.

#### **LICENSING AND CERTIFICATION FEES UPDATE**

The Governor signed SB 1049 on October 9<sup>th</sup>, which gave DPR authority to update its licensing fees by establishing regulations. We are now in the process of having the proposed emergency regulation signed by Cal EPA, and approved by Dept of Finance and followed by the Office of Administrative Law. Normally the Office of Administrative Law's review and approval process takes about 10 days for an emergency regulation.

The following changes were incorporated into the proposed regulations from the comments received from the committee at the last meeting.

- Penalty reference was unclear: It now reads "penalty for late renewal license and certification."
- Examination fee needed clarification for laws and regulation exam- This has been clarified by a footnote showing it as a separate fee.
- No fee for address change- It now reads that "reissuing a license or certificate, a \$20.00 fee is required."
- CE approval required three separate fees – It now reads, "per course, per calendar year which can be multiple offerings, changes, road show can be under one fee."

Committee member had questions regarding the continuing education application fee.

- Does the continuing education sponsorship fee apply to everyone? No, Dave stated that the County Agricultural commissioner will not be required to pay, because the commissioners perform training and outreach as part of their county pesticide enforcement program.
- Can a credit card be used to pay for the continuing education class sponsorship? Yes, Dave stated that a visa form can be filled out and submitted to DPR as payment.
- Is a letter being sent out to past CE sponsors regarding the new fee requirement? Yes

### **Knowledge Expectations for QAC AND QAL Update on Demonstration and Research, and Landscape Maintenance Study Guides and Exam**

Dr. Pat O'Connor-Marer, UC provided the following updates:

- New Demonstration and Research study guide is a PDF file on the University's website. It can be downloaded for a fee.
- Pesticide Applicator training funding has now been restored up to 60% of last year.

Diane Clark, UC provided the following informational handouts that they having been using in the development of the Landscape Maintenance Pest Control study guide.

1. Federal Standards for certification of commercial applicators.
2. Task Inventory for certified applicators in Landscape Maintenance Pest Control

She said that the study guide was being developed to cover information at the entry level in this field of pest control.

The committee agreed that the manual should be kept at an entry level. Also they felt the knowledge and expectations stated in the handout were too broad for the landscape maintenance pest control category.

### **WORKERS RIGHT TO KNOW INITIATIVE. SUMMARY OF PROCESS UNDERTAKEN BY DPR TO IMPROVE NOTIFICATION, POSTING AND HAZARD COMMUNICATION REGULATIONS.**

Susan McCarthy with DPR-Worker Health and Safety spoke on the Worker Right to Know initiative. In 1999, DPR initiated a review of its workers protection and enforcement programs to determine whether changes were necessary. November 1999, DPR after meeting and recommendations from CPR and County Agriculture Commissioners (CAC). WH&S prioritized three issues on which to focus:

- Ensure Workers are informed of the potential hazard of pesticide at the work site
- Ensure an adequate system is in place to prevent workers from entering treated fields during the restricted entry interval

- Ensure workers have unimpeded and direct access to their pesticide exposure records

Based on input from the agricultural organization representatives, the following regulatory changes were proposed in 2003:

- Amend regulations to eliminate the 24-hour period currently allowed for the pesticide applicator to provide the completion notice to the operator of the property.
- Amend regulation to prohibit the operator of the property from allowing or directing any employee(s) to enter or remain in the field that was scheduled to be treated until he has received the notice of completion.
- Amend regulation to require the operator of the property to include the date(s) for unrestricted entry on signs when posting is required by pesticide product labeling or regulation.

#### **DPR'S COORDINATION WITH DEPARTMENT OF HEALTH SERVICES ON WEST NILE VIRUS AND DEPARTMENT OF FISH AND GAME ON TRAPPING LICENSE FOR PROFIT**

Mac spoke on West Nile Virus. California Department of Health Services (DHS) has received numerous inquiries about the regulatory and certification requirements from public agencies, private businesses, and private individuals to conduct mosquito control in California. The "Mosquito Control by Public & Private Entities in California, Questions and Answers" informational sheet published by DHS address many of these inquiries. The informational sheet can be found on the internet at [www.cdpr.ca.gov/docs/license/lcpubs.htm](http://www.cdpr.ca.gov/docs/license/lcpubs.htm)

DPR currently has concerns with the California Department of Fish and Game's (DFG) requirement that anyone trapping fur-bearing mammals for profit (for hire) must be licensed under the Fish and Game Code. This law overlaps into DPR's licensing requirements and at this time nothing has been resolved between DPR and DFG. The department is seeking exemptions for certain pests such as gophers, moles, squirrels, mice, and rats as these occur mostly in landscape areas from the Fish and Game requirement.

Committee members indicated that the industry needs to be involved and to find out how many are businesses are doing this type of work. Dave stated that if we get an exemption, DPR would need the committee's help with the subcategory. The committee stated that they are in support of the exemption and establishment of a subcategory.

#### **UNIVERSITY/COLLEGE PCA CORE COURSE EVALUATION**

Cynthia provided a hand out to the committee members that summarized PCA applicant core course deficiencies, which were mainly in the Pest Management core course requirement area. This summary included the total number of new advisers who met the educational requirements to take the exams (20) and how many were denied (27). Cynthia also provided a handout that showed the committee members DPR's web site of

colleges, which have courses to meet the core course requirements. Cynthia stated that this web site has been very useful to individuals who wish to pursue a career as an Adviser.

Committee feels that since this is the first year under the new educational requirements, we should give it time before we make any changes.

#### **PEST MANAGEMENT LETTER ON LICENSING AND CERTIFICATION**

Mac provided a memorandum on an agricultural pest control adviser Licensing requirement. The issue was whether property owners/operators and their employees must be licensed by the DPR as agricultural pest control advisers when making agricultural pest control use decisions on their property.

DPR LEGAL OPINION: Property owners/operators of property and their employees are not required to be licensed by the Department of Pesticide Regulation as pest control advisers when making decisions in regard to pesticide to be used for agricultural use on the property of the owner/operator under their control.

#### **ON-LINE CONTINUED EDUCATION COURSES**

The committee voiced various concerns about on-line continued education courses. DPR responded to the concerns.

DPR feels that the continuing education regulation does not have special circumstance for on-line courses. They fall under the same accreditation guideline as all CE courses approved by DPR. Also, we do not have a problem with giving full CE hours since the sponsor provide us with a very detailed agenda of the course and in most cases an exam is required, which the applicant must send back to the organization with a signature.

In regards to not knowing who is on the other end, it is the same for individuals who go on site to attend a seminar. No photo I.D. is checked, only a sign-in procedure is normally in place at most sites.

We feel that any on-line class is acceptable as long as they meet our requirements for continuing education hours. No exam is required although we can suggest one be used.

We currently have 70 courses on-line and 11 sponsors. DPR does not know how many individuals are taking on-line courses. CAPCA might have those figures. The committee wished to continue this discussion at the January meeting.

#### **AGENDA ITEMS FOR NEXT MEETING**

1. Update on On-Line CE Courses
2. Update on Trapper
3. Adviser Core Course requirement and web site

January 7<sup>th</sup> will be the next scheduled meeting.

Meeting Adjourned at 1:00pm